



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,074	10/22/2003	Michael Perkins	020824-006210US	8285

20350 7590 02/25/2005

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

YUAN, DAH WEI D

ART UNIT	PAPER NUMBER
----------	--------------

1745

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,074

Applicant(s)

PERKINS ET AL.

Examiner

Dah-Wei D. Yuan

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) 20-22 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12032003.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

BATTERY PACK

Examiner: Yuan

S.N. 10/692,074

Art Unit: 1745

February 21, 2005

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-19, in Paper filed January 11, 2005 is acknowledged. Claims 20-22 are withdrawn from consideration.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 2-4,18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. The phrases "two outer linear portions and an intermediate portion coupling the two outer liner portions" in claims 2-4 and "an intermediate portion couples the first linear portion and the second linear portion" in claim 18 are indefinite because the scope of "coupling" in describing the relationship between the outer linear portions and the intermediate portion is unclear.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1,5-8,10-17,19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dietz (US 3,662,166) in view of Dalton (US 6,238,818 B1).

With respect to claims 1,15,16, Dietz teaches a battery-operated unit comprising a housing (1) including a first battery holding region and a second battery holding region (3) wherein the first and second battery holding regions are aligned along a same axis as shown in Figure 3 and 4. See Abstract.

However, Dietz does not teach the unit comprising a battery separator disposed between the first battery holding region and the second battery holding region. Dalton teaches a in-line cell cartridge which received dry cell in an in-line or end to end orientation. The cartridge comprises a body (4), dry cell cavities (62,64,66,68) and contact members (34) (separators). The cartridge is used to receive AA-sized dry cells including rechargeable batteries. Dalton teaches the invention includes features which prevent the incorrect orientation by preventing dry cell terminals making contact with the necessary components. See Figure 1, abstract, Column 9, Lines 20-39. Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the cartridge of Dalton onto the battery-operated unit of Dietz, because Dalton teaches the use of such cartridge to prevent the incorrect orientation of the battery inside the unit.

With respect to claim 5, the battery holding regions of Dietz are cooperatively configured to received the portion of the cartridge of Dalton. See Figures 3 and 4.

With respect to claim 6, Dalton teaches the contact member (34) can be riveted by means of a plastic rivet to one side of the wall part. Thus, the contact member can be removed vertically with respect to the orientation of the batteries. See Column 9, Lines 28-40.

With respect to claim 7,8, Dietz teaches the unit comprising a bulb (8), which can be used as a gaming device or a book reading device. See Column 3, Lines 64-70.

With respect to claim 10, Dalton teaches the cartridge comprising a biasing element (46, a generally planar and semi-circular construction). See Figures 8.

With respect to claims 11,12,17, Dietz teach the unit comprising third battery and a fourth battery holding region as shown in Figures 3 and 4. It would have been obvious to one of ordinary skill in the art to incorporate a second cartridge of Dalton onto the battery-operated unit of Dietz, because Dalton teaches the use of such cartridge to prevent the incorrect orientation of the battery inside the unit.

With respect to claims 13, 14, Dalton teaches the contact members remain in a substantially fixed position. See Figure 1.

With respect to claim 19, Dietz teaches the two axes of the batteries are different. See Figures 3 and 4.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dietz (US 3,662,166) in view of Dalton (US 6,238,818 B1) as applied to claims 1,5-8,10-17,19 above and further in view of Naghi et al. (US 6,505,949 B2).

Dietz and Dalton disclose a battery-operated illuminating device as described above in Paragraph 7. However, Dietz and Dalton not disclose that device comprising an input device, a processor coupled to the input device and an audio output device. Naghi et al. teach a portable handheld video game device having an illumination apparatus for illuminating an object associated with the device. See Abstract. The gaming device has a processor and an audio output device. Therefore, it would have been obvious to one of ordinary skill in the art to use battery-operated illuminating device of Dietz and Dalton on the video game device of Naghi, because the illuminating device can be used to illuminating an object on the viewing screen of the portable handheld video game device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dah-Wei D. Yuan whose telephone number is (571) 272-1295. The examiner can normally be reached on Monday-Friday (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

Art Unit: 1745

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dah-Wei D. Yuan
February 21, 2005

A handwritten signature in black ink, appearing to read "Dah-Wei D. Yuan", with a long horizontal flourish extending to the right.